IN THE HIGH COURT OF PUNJAB AND HARYRNA AT CHANDIGARH

C.O.C.P. No.850 of 2005
Date of Decision:- 09.10.2006

Ram Lal ....Petitioner

through
Mr.G.P.Singh, Advocate

vs.

R.C.Garg, Engineer-in-Chief & anr. ....Respondents

through
Mr.R.D.Sharma, DAG, Haryana.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT

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SURYA KANT, J.

The petitioner along with some other persons filed C.W.P.No.20043 of 2003 which was allowed by this Court on 28.9.2004. Meanwhile, it was held that "the claim of the petitioners before absorption in the employment of the Public Works Department (Public Health Branch) is fully justified." This Court further held that "the petitioner shall, therefore, be deemed to have been absorbed in the employment of the Public Works Department (Public Health Branch)." A direction was also issued to determine *inter-se* seniority of the petitioner by placing them at the bottom of the seniority list in each category as on 2.4.1993 i.e. the date of transfer of works from the Municipal Committees to the Public Works Department (Public Health Branch).

Alleging that despite the direction given by this Court that the petitioner was deemed to have been absorbed in the employment of the

Public Works Department (Public Health Branch) and no formal orders of his absorption were being passed by the respondents, this contempt petition has been filed. It may be noticed here that the petitioner has been retired from service on attaining the age of superannuation on 30.11.2004.

In response to the show cause notice, an affidavit has been filed by Mr.K.K.Verma, Executive Engineer, Public Health Division Dabwali, in which various steps taken by the authorities for formal absorption of the petitioner and other employees in the Government service, have been mentioned. It was further stated that the matter was still pending in he Finance Department for its concurrence. On July 20, 2006, the Principal Secretary, Finance Department, Government of Haryana was directed to conclude the matter and dispose of the same as early as possible but before the adjourned date.

In deference to the aforesaid directions, the Finance Department has accorded its approval and pursuant thereto, the Public Works Department (Public Health Branch) has issued formal orders dated 3.10.2006 whereby the petitioner and some other employees have been declared to have been absorbed to Government service with effect from 2.4.1993. Since the petitioner has already retired from service, the necessary consequence of his formal absorption in Government service would be that he is entitled for all the retiral benefits.

Since the directions issued by this Court have been substantially complied with, this petition is disposed of with a direction to the respondents to immediately calculate the retiral benefits to which the petitioner is entitled and releas the same, especially the arrears of pension, computation of pension, leave encashment, gratuity and Provident Fund etc.

(subject to admissibility) forthwith and not later than three months from today.

Since this Court vide judgment dated 28.9.2004 held that the petitioner is deemed to have been absorbed in the employment of the Public Works Department (Public Health Branch) with effect from 2.4.1993 it is oblivious that the petitioner has been denied of her retiral benefits for a long period for no fault on her part. Accordingly, it is directed that the petitioner shall also be paid interest at the rate of 6% per annum on the arrears of her retiral benefits (except the arrears of computation of pension). The interest shall be payable with effect from 1.2.2005 till the actual realisation of all the retiral benefits.

Disposed of.

Rule discharged.

October 09, 2006 **(SURYA KANT)**
poonam **JUDGE**